

### **III. REMARKS**

1. Claims 1, 4 and 13 are amended.
2. A terminal disclaimer is enclosed herewith.
3. Claims 1-10, 13, and 15-19 are patentable under 35 U.S.C. 103(a) over Wycherley et al. (US Patent Pub. 2002/0037738)("Wycherley") in view of Engstrom et al. (US 2003/0017848, hereinafter "Engstrom"), and Gum (US 6,477,390).

First, Wycherley is not proper prior art against Applicant's claimed subject matter for purposes of 35 USC §103(a) by reason of 35 USC §103(c). This application is a 371 of PCT/IB03/00451 filed on 12 February 2003, which claims priority from U.S Patent Application Serial No. 10/085,010 filed on 1 March 2002. Wycherley, which is commonly owned by the Applicant of the subject application, was filed on 28 June 2001 and published on 28 March 2002, which is subsequent to Applicant's earliest priority date. Therefore, pursuant to 35 USC §103(c), Wycherley does not qualify as prior art against Applicant's claimed subject matter for purposes of 35 USC §103(a).

Second, Claim 1 recites identifying a type of said user exchangeable cover part by operating at least one connector pin in an identification state for sensing a value included in a cover type indicator, wherein the at least one connector pin operating in the identification state is a bi-directional and bi-mode signal pin; and after identifying the type of cover, selecting a data mode corresponding to the identified cover type and setting a corresponding power supply level to be supplied by another one of the connector pins. At least these features are not disclosed or suggested by the proposed combination of references.

Wycherley discloses different methods for sensing the cover type which include mechanical pegs and a resistance sensor. (see e.g. paragraphs 0031-0033). There is no disclosure in Wycherley related to identifying different communication modes.

Engstrom is directed to an interchangeable covering having visual representation of a theme and an electronic component therein having data and/or programming instructions for non-visual representation of the theme. The combination of Wycherley and Engstrom does not disclose or suggest at least Applicant's claimed feature of, after identifying the type of cover, selecting a data mode corresponding to the identified cover type and setting a corresponding power supply level to be supplied by another one of the connector pins.

The Examiner also states that Gum discloses the user defined mapping described and claimed by Applicant. Again, this is respectfully traversed. Gum relates to a wireless device that has intuitive audio keypad navigation features. In Gum, "distinctive or unique audible signals" are assigned to each of the keys. (Col. 4, lines 36-40.) This allows the user to differentiate one key from another. However, while different keys in Gum may have different tones, there is no disclosure here or elsewhere in Gum of "user defined mapping" as claimed by Applicant. Thus, the features of this element are not met by the combination of Wycherley, Engstrom and Gum.

Therefore, since each of the elements claimed by Applicant are not found in the combination of references, a *prima facie* case of obviousness under 35 U.S.C. §103(a) cannot be established.

There is also no motivation to combine Engstrom with Gum. First, Engstrom and Gum cannot be combined for purposes of 35 U.S.C. §103(a) because they are non-analogous art. References can be combined if they are in the same field of endeavor as Applicant's or are pertinent to the problem addressed by Applicant. Engstrom is directed to interchangeable covering having a visual representation of a theme and an electronic component embedded therein having data and/or programming instructions for a non-visual representation of the theme. (Abstract). Gum, in a different area, relates to a wireless device that has intuitive audio keypad navigation features. In Gum, "distinctive or unique audible signals" are assigned to each of the keys. (Col. 4,

lines 36-40.) This allows the user to differentiate one key from another. However, while different keys in Gum may have different tones, there is no disclosure here of "user defined mapping" as claimed by Applicant. Gum also does not discuss or even allude to the use of different covers, exchangeable covers or housings for a phone. The Examiner states it would be obvious to combine Engstrom and Gum to have an exchangeable cover and user defined mapping to provide user friendly features in a dark environment or for sight impaired. Respectfully, this is merely speculation and not motivation to combine references to achieve what is claimed by Applicant. There is no support for the assertion that Applicant's claims are directed to providing an exchangeable cover and user defined mapping to provide user friendly features in a dark environment or for sight impaired. While this might be an unforeseen or realized advantage of one embodiment of what is claimed by Applicant, an unforeseen or realized advantage of what is claimed by Applicant is not "motivation" as required by 35 U.S.C. §103(a). Thus, Gum is not in the same field of endeavor as is the subject matter claimed by Applicant and is not pertinent to the problem addressed by Applicant. Therefore, Gum is not analogous art and cannot be combined with Engstrom for purposes of 35 U.S.C. §103(a).

Since each of the elements claimed by Applicant cannot be found in the proposed combination of elements, there is no motivation or suggestion to combine the references and, in any case, the references are non-analogous, it is submitted that a *prima facie* case of obviousness over Wycherley, Engstrom and Gum under 35 U.S.C. 103(a) is not established. Therefore, claims 1-10, 13 and 15-19 should be allowable.

4. Claims 7-8 and 22-26 are patentable under 35 U.S.C. 103(a) over Wycherley, Engstrom and Gum, and further in view of Andrews. These claims should be allowable at least by reason of their respective dependencies and for the reasons described.

With respect to claim 24, Andrews does not disclose or suggest supplying power to the cover as is suggested by the Examiner. Rather, Andrews only discloses supplying power to the microprocessor 12 of the terminal. (see e.g. Col. 4, line 4.)

With respect to claim 25, it is submitted that the term "intelligent" is defined on page 9 of Applicant's specification.

5. Claims 16-18 are patentable over the combination of Wycherley, Engstrom and Gum, and further in view of White. These claims should be allowable at least by reason of their respective dependencies and for the reasons described.

6. Claim 19 is patentable over the combination of Wycherley, Engstrom and Gum, and further in view of Pulver at least by reason of its dependency and for the reasons described.

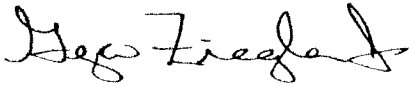
7. Claims 11-14 are patentable over the combination of Wycherley, Engstrom and Gum, and further in view of Zhao. These claims should be allowable at least by reason of their respective dependencies and for the reasons described.

8. Claim 20 is patentable over the combination of Wycherley, Engstrom and Gum, and further in view of Lee at least by reason of its dependency and for the reasons described.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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